

changes to claims 1 and 14 not pertaining to the preceding recitations were made simply to further clarify the claims and are not to be construed to narrow the scope of the claims. Applicants reserve the right to pursue any subject matter affected by the foregoing amendments in co-pending or later-filed continuation/divisional application(s). Attached hereto is a marked-up version of the amendments to claims 1 and 14. Upon entry of the foregoing amendments, claims 1, 2, 4, 5, 14, and 17 will be before the Examiner for consideration.

Claim Rejections - 35 USC § 102

Claims 1 and 14-16 are rejected under 35 USC § 102(e), as anticipated by Simon et al. Applicants assert that the amendments above obviate this rejection. Claims 1 and 14 have been amended to recite that at least one bone block of the implant comprises a taper at both ends. Nowhere does the Simon et al. reference teach or suggest this novel characteristic. The Applicants have discovered that tapering both ends of at least one bone block allows for a superior result heretofore not contemplated. The tapering at both ends allows for bi-directional implantation. At pages 7-8, the subject application states the following:

“[T]he presence of the two tapered regions **812** and **814** allows for the BTB embodiment **800** to be inserted and secured bi-directionally, which means, for example, implantation in either the tibial **462** or femoral **466** tunnels . . .” Emphasis added.

Nowhere does the Simon et al. reference teach or suggest this modification. Rather, the Simon et al. reference focuses on interference screws for implantation. It does not add anything to the art of BTB implants, and simply does not address or contemplate the problems addressed by the claimed invention. Since the Simon et al. reference does not teach or suggest all of the limitations of the claimed invention, Applicants respectfully request the reconsideration and withdrawal of the 35 USC § 102(e) rejection.

Claim 1 is also rejected under 35 USC § 102(e) as anticipated by Beck et al. Applicants incorporate the remarks above in rebuttal of the anticipation rejection based on the Simon et al. reference. As with the Simon et al. reference, Beck et al. does not teach or suggest the novel provision of a tapered bone block to allow bi-directional implantation. Accordingly, Applicants request the reconsideration and withdrawal the 35 USC § 102 (e) rejection of claim 1.

Claim Rejections 35 USC § 103

Claims 2-5 and 17 are rejected under 35 USC § 103 as being unpatentable over Simon et al., in view of McGuire. Applicants assert that the amendments to claim 1 and 14 obviate this rejection. As discussed above, Simon et al. does not teach or suggest a bone tendon bone graft that comprises at least one bone block having a taper at both ends. Based on this distinction, claims 1 and 14 are patentable over the Simon reference. Dependent claims 2-5 and 17 are interpreted to include the limitations of claims 1 and 14, respectively, and therefore, are also patentable over the primary Simon et al. reference. McGuire fails to cure the deficiencies of the Simon et al. reference. McGuire focuses on a surgical tools specifically designed for use in knee ligament reconstruction surgery. While McGuire mentions the implantation of a bone block and attaching a tendon to the bone block *in situ*, it does not suggest that the bone block may be tapered. Further, McGuire does not contemplate how BTB bone blocks may be tapered to enable various surgical approaches and positions for the BTB. It cannot be said that McGuire teaches or suggests modifying a bone block of a BTB to provide for the superior result of bi-directional implantation. Accordingly, the Simon and McGuire references either alone, or in combination, do not teach or suggest all of the elements of the claimed invention as required to establish a *prima facie* case of obviousness. Therefore, Applicants respectfully request the reconsideration and withdrawal of the 35 USC § 103 rejection of claims 2-5 and 17

In view of the amendments and remarks made herein, Applicants contend that all claims are currently in a condition for allowance. Therefore, examination on the merits is respectfully requested. Applicants invite the Examiner to call the undersigned if clarification is needed on any aspect of this response after entrance and consideration of the remarks presented herein.

Respectfully submitted,



Timothy H. Van Dyke
Patent Attorney
Registration No. 43,218
Phone No: 407-228-0329
Address: 1630 Hillcrest Street
Orlando, FL 32802

Addendum A: marked-up version of amendments

Claim 1 (amended):

1. A bone tendon bone graft useful in orthopedic surgery comprising [one or more] at least one bone block [blocks] and a tendon attached to said [one or more] at least one bone block [blocks], wherein said at least one [one or more] bone block [blocks] is shaped into a dowel; and wherein at least one bone block comprises a first end and a second end which are tapered.

Claim 14 (amended):

14. A bone tendon bone graft useful in orthopedic surgery comprising [one or more] at least one bone block [blocks] and a tendon attached to said [one or more] at least one bone block [blocks]; wherein [at least one of said one or more bone blocks is tapered]:

- a) said tendon comprises a first end and a second end;
- b) said at least one bone block comprises a first bone block attached to said first end and a second bone block attached to said second end;
- c) said first bone block comprises a first bone block end contiguous with said tendon and a second bone block end opposite said first bone block end; and
- d) said first bone block comprises a taper at said first bone block end and a taper at said second bone block end, whereby said bone tendon bone graft is enabled to be implanted bi-directionally.